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ARB Staff Responses to Questions Regarding Proposed Amendments to the AB 2588 “Hot Spots” Guidelines Regulation Raised at the March 28 and April 3, 2006 Public Workshops

Air Resources Board (ARB) staff are currently developing amendments to the AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines regulation (Guidelines, Section 93300.5, Title 17, California Code of Regulations) to align the Guidelines with the Air Toxic Control Measure for stationary engines. These amendments are tentatively scheduled for consideration by the ARB at its November, 2006 public hearing. During two public workshops conducted on March 28th and April 3rd 2006 to discuss the proposed amendments, several questions were raised pertaining to the proposed amendments and the “Hot Spots” program. ARB staff committed to providing answers to questions and making them available prior to the next public workshop which is tentatively scheduled for mid July. The questions posed to ARB staff and our preliminary responses to the questions are provided below. If you have any comments or questions, please contact Chris Halm, (916) 323-4865, or chalm@arb.ca.gov. This document is available on the internet here: <http://www.arb.ca.gov/ab2588/2588guid.htm>.

1. Q: How is the “Hot Spots” program updated to reflect new information?

A: The State legislature passed legislation in 1987 (AB 2588, Connelly) that requires the ARB to adopt a Guidelines regulation that specifies how local air districts implement the AB 2588 “Hot Spots” Law. The Guidelines regulation has been updated several times over the past 15 years. The Guidelines regulation describes which types of facilities report emissions of air toxics, which pollutants are reported, and how those emissions are reported to the local air district. The proposed amendments to the Guidelines regulation are being triggered by the change in potency for diesel PM, and the need to align “Hot Spots” with the stationary diesel engine Air Toxic Control Measure (ATCM, Section 93115, Title 17, CCR). Any changes to the Guidelines regulation are developed through a public process. ARB staff conducts public workshops to discuss proposed amendments and propose the amendments to the Air Resources Board at a public hearing. The public is encouraged to ask questions and provide comments at any time during this public process.

2. Q: What new changes are being proposed?

A: Amendments are being proposed to align the Guidelines regulation with the ATCM. The proposed amendments include a new reporting threshold for diesel engines that would augment the 3,000 gal/yr diesel fuel usage threshold. ARB staff is also proposing a method to streamline the reporting and risk evaluations for diesel engines. The proposed changes are available here: <http://www.arb.ca.gov/ab2588/2588guid.htm>. Sign up for our email listserve to receive additional information here: <http://www.arb.ca.gov/listserv/ab2588.htm>. These proposed changes will not go into effect until after the Air Resources Board adopts those changes during a public hearing tentatively scheduled for October 2006, and subsequent approval by the Office of Administrative Law.

3. Q: When could these new requirements become applicable?

A: All of the local air districts are currently evaluating emissions and risk from diesel engines and are preparing for the formal “Hot Spots” implementation period likely to be in the 2007 timeframe after ARB adoption. Districts will likely have the option of using the 2005, 2006 or 2007 emissions estimate for purposes of preparing health risk assessments.

4. Q: What if my equipment is not subject to local air pollution permits?

A: If the facility is subject to “Hot Spots”, it does not matter if the equipment is subject to local air pollution permits. All emissions subject to the Guidelines regulation must be included in the emission inventory.

5. Q: Are facility-related motor vehicle emissions included in facility emissions as part of “Hot Spots”?

A: No, exhaust emissions from motor vehicles are not subject to “Hot Spots”. However, on-site dust emissions from vehicles may be subject to reporting requirements.

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6. Q: Are cumulative emissions from multiple facilities addressed under “Hot Spots”?

A: The “Hot Spots” regulation requires that all subject emissions from a single facility be evaluated, but does not assess risks from multiple facilities within a given area.

7. Q: What happens when pollutants are assigned a new health value?

A: The Office of Environmental Health Hazard Assessment (OEHHA) regularly adopts new health values when data becomes available. When a new health value is adopted, OEHHA reviews new risk assessments and advises the district to include the new health value in the risk assessment. The ARB plans to update the Guidelines regulation to incorporate the latest health values, and facilities must use the new health values in all subsequent health risk assessments. Until the ARB incorporates new health values into the regulation, it is at the discretion of the local air district to require the use of those health values.

8. Q: How will “diesel engine”, “stationary”, and other terms be defined?

A: The overall goal of the proposed amendments to the Guidelines regulation is to harmonize the requirements with the ATCM for stationary diesel engines. Wherever feasible, ARB staff intends to propose definitions in the Guidelines regulation identical to those found in the ATCM. In cases where an identical definition is not feasible, ARB staff will work to ensure that conflicting definitions are not used. Any definitions will be defined in Section X of the AB 2588 Air Toxics “Hot Spots” Guidelines regulation.

9. Q: If an engine is not subject to the ATCM for stationary diesel engines, or if it qualifies for an exemption under the ATCM, is it also exempt from “Hot Spots”?

A: No. The “Hot Spots” program has specific reporting requirements that are independent of all other rules, regulations, permit conditions, or other air pollution control laws, including the ARB’s ATCM for stationary diesel engines. An engine that is exempt from the ATCM is not automatically exempt from “Hot Spots” reporting requirements. However, because many of the exemptions are for low-risk and remotely located engines, most of these engines will comply with “Hot Spots” by complying with the ATCM.

10. Q: Why are there additional reporting requirements in Section XI of the proposed amendments to the Guidelines Regulation compared to the ATCM?

A: Based on comments at the workshop, ARB staff has removed the additional data fields from the proposal so that the reporting requirements are identical to the ATCM reporting requirements.

11. Q: Are emergency operations subject to “Hot Spots” reporting? How do you define an emergency?

A: Emergency operations are not subject to “Hot Spots” reporting. Emergency operations are neither routine nor predictable. With respect to the definition of emergency, we are proposing to include in the Guidelines regulation the same definition of emergency operations that is found in the stationary diesel engine ATCM. The stationary diesel engine ATCM defines emergency operations as: “The failure or loss of electrical power service or natural gas supply which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party, including the failure of a facility’s internal power distribution system; and, which is demonstrated to the district APCO’s satisfaction to have been beyond the reasonable control of the owner or operator. Emergency operations also include the pumping of water or sewage to prevent or mitigate a flood or sewage overflow, the pumping of water for fire suppression or protection, and the powering of ALSF-1 and ALSF-2 airport runway lights under category II or III weather conditions; the pumping of water to maintain pressure in the water distribution system if a pipe breaks that substantially reduces water pressure, or there is high demand on the water supply system due to high use of water for fire suppression, or the breakdown of electric-powered pumping equipment at sewage treatment facilities or water delivery facilities”.

Portable Equipment

12. Q: Are portable engines subject to “Hot Spots”?

A: Portable equipment that is used as part of ‘routine and predictable’ operations at a facility is subject to “Hot Spots”. The district determines what constitutes ‘routine and predictable’. Tactical Support Equipment (TSE) at a military base may be subject to “Hot Spots” reporting requirements. However, because TSE is often deployed overseas, these emissions may not be ‘routine and predictable’ and

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subject to “Hot Spots”. Please contact your local air district to determine what needs to be included in an inventory. Additional information about portable/mobile sources subject to “Hot Spots” may be found here: <http://www.arb.ca.gov/ab2588/motorv.pdf> , and here: <http://www.arb.ca.gov/ab2588/portable.pdf> .

13. Q: How can risk be evaluated at facilities with portable equipment?

A: Generally, districts evaluate risk using the best information available for a facility, usually based on the previous calendar year's emissions. In some cases, when the location of equipment changes at a facility, the district may choose to evaluate the risk posed to receptors using the worst-case distance (usually the closest distance to the receptor). If that risk is acceptable, the facility is then free to move the equipment to another location without triggering any additional requirements.

Some districts evaluate risk at the fenceline of the facility, while others evaluate existing receptor distances and the impacts to those individuals. Contact your district to determine what risk assessment policies they intend to use.

14. Q: Are emissions from portable equipment generated by third-party contractors that do work at a facility subject to “Hot Spots”?

A: Yes. All emissions subject to the regulation must be estimated by a responsible party at the facility, usually the facility owner, if the activity in question is ‘routine and predictable’. In practice, districts have relationships with many entities at a facility, including owners, operators, consultants, and tenants. The district may require an inventory to be reported from any, or all, of those entities. Often the facility operator is best able to estimate emissions, and the district would rely on them to provide emissions information. It is ultimately the responsibility of the facility owner to estimate all applicable emissions from the facility if the district is unable to compile emissions information from other sources.

15. Q: Are engines less than or equal to 50 horsepower subject to the “Hot Spots” program?

A: Under the proposed amendments to the Guidelines regulation, diesel engines equal to or less than 50 horsepower are subject to “Hot Spots” at the discretion of the district.

16. Q: Can we align the “Hot Spots” program with the portable diesel engine ATCM?

A: Because the vast majority of engines that will be subject to “Hot Spots” are stationary, ARB staff believes it makes the most sense to align the Guidelines regulation with the ATCM for stationary diesel engines. However, because the portable engine ATCM requires cleaner engines over time, compliance with the portable engine ATCM will help to reduce the risk from those engines.

17. Q: How can I get more information about “Hot Spots”?

A: ARB compiles emissions data for all facilities subject to “Hot Spots”. This information is publicly available on our Facility Search Tool here: <http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>. General information about “Hot Spots” is here: <http://www.arb.ca.gov/ab2588/ab2588.htm>. Each district is required to publish an annual report. Many of these reports are available here: <http://www.arb.ca.gov/ab2588/reports.htm>. To receive an email listserve notice when changes occur to the program, please sign up here: <http://www.arb.ca.gov/listserv/ab2588.htm>.